

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

MICROSOFT CORPORATION,

Plaintiff,

v.

Case No. 06-CV-1247

RAM DISTRIBUTION, LLC, d/b/a ATOMICPARK.COM,
d/b/a BIGCLEARANCE.COM, and ANTHONY BOLDIN,

Defendants.

ORDER

On December 16, 2008, this court issued an order denying, in part, and granting, in part, plaintiff Microsoft Corporation's ("Microsoft") motion for summary judgment. Microsoft moved for summary judgment on its claims that defendants Ram Distribution, LLC and Anthony Boldin infringed Microsoft's copyrights and trademarks, violated the Lanham Act by falsely designating the origin of software and/or related components, and engaged in unfair competition. The court denied summary judgment on these claims after striking portions of the affidavit that Microsoft relied upon to establish the counterfeit nature of product sold by the defendants.

Microsoft now seeks to amend the scheduling order to extend the deadline for filing dispositive motions. Alternatively, Microsoft seeks to renew and supplement its motion for summary judgment. Microsoft proposes to file supplemental affidavits resolving the inadequacies in the factual record that the court identified in its denial of summary judgment.

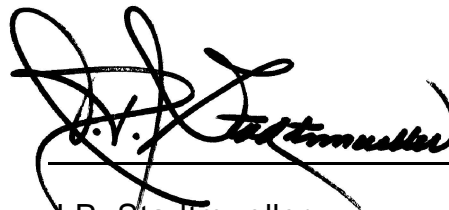
The court will amend the scheduling order and allow Microsoft to file a successive summary judgment motion and supplemental evidence. Granting the extension may ultimately obviate the need for trial. Thus, amending the scheduling order potentially conserves judicial resources and reduces overall cost to the parties. Allowing a party to submit a successive summary judgment motion is within the discretion of the district court. See *Whitford v. Boglino*, 63 F.3d 537, 530 (7th Cir. 1995). This is because district courts are in the best position to make decisions concerning their own case management and judicial resources. See *Grayson v. O'Neill*, 308 F.3d 808, 817 (7th Cir. 2002). The court concludes that allowing a successive summary judgment motion in this case is appropriate.

Accordingly,

IT IS ORDERED that Microsoft's motion to amend the scheduling order to extend the summary judgment deadline (Docket #54) be and the same is hereby **GRANTED**; the deadline for filing dispositive motions is extended until **March 13, 2009**.

Dated at Milwaukee, Wisconsin, this 13th day of February, 2009.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J.P. Stadtmueller", is written over a horizontal line.

J.P. Stadtmueller
U.S. District Judge